IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 5885 of 1994

Between:

S.Ramachandra Reddy son of Venkata Muni Reddy

42 yrs, r/o Kolamasanapalle village, Palamaner mandal,

Chittoor Dt,.

..... PETITIONER

AND

1.The District Collector, Chittoor,

2. The Revenue Divisional Officer-cum-Land Acquisition

Officer, Madanapalle, Chittoor dt.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus declaring the notification u/s 4(1) of the Land Acquisition Act in Roc No.D.II/4289/945, dated 28-2-1994 and declaration under Section 6 of the Land Acquisiton Act in Roc.No.D.II/4289/94, dated 28-2-1994 issued by the first respondent in respect of the petitioner's land of an exktent of Ac.0.71 cents in S.No.197/2A situated at Kolamasanapalle village, Palamaner Mandal, Chittoor district as illegal and contrary to the provisions of the Land Acquisition Act and also the Government instructions.

Counsel for the Petitioner:MR.P.GANGAIAH NAIDU

Counsel for the Respondents.: GP FOR LAND ACQUISITION

The Court made the following :

ORDER

1. Heard both sides.

2. The petitioner, who is the owner of the land in question admeasuring Ac.0.92 cents in survey no.197/2 situated at Kolamasanapalle village, Chittor district, files this Writ Petition, *inter alia*, seeking writ of mandamus challenging the validity of the acquisition proceedings initiated as per the notification under section 4(1) of the Land Acquisition Act (for short, 'the Act'), dated 28.2.1994, and also the declaration made under section 6 of the Act on the same day.

3. Apart from the several contentions which are urged, the main ground raised on behalf of the petitioner is that the notification under section 4(1) of the Act and also the declaration under section 6 of the Act are of on the even date, which is wholly impermissible and therefore, the same can not be sustained.

4. There cannot be any dispute with regard to the said acquisition as sought on behalf of the petitioner. Having regard to the fact that the declaration and notification were issued on the even date, the entire proceedings are vitiated.

5. The Writ Petition is, accordingly, allowed and the impugned notification and declaration are set aside. The respondents are directed to notify the proceedings afresh. No costs.

16-07-2004.

Hsd

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the Sixteenth day of July, Two Thousand and Four.

Assistant Registrar

// true copy//

Section officer

To,

1.The District Collector, Chittoor,

2. The Revenue Divisional Officer-cum-Land Acquisition

Officer, Madanapalle, Chittoor dt.

3. 2 C.Cs to G..P. for Land Acquisition,High Court Buildings, Hyderabad (OUT)

4. 2.C.D. copies.